#### UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MISHRA et al.

Group Art Unit: 1617

Application No. 09/820,371

Examiner: E. Webman

Filed: March 26, 2001

INJECTABLE AQUEOUS DISPERSIONS

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1DS and PTO 1449 Forms as submitted on Jan. 24,2004 in USSN 09/820,371

#### INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Washington, D.C. 20231

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

	within any one of the following time periods: (a) within three months of the filing
	date of a national application other than a continued prosecution application under
	37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as
	set forth in 37 CFR 1.491 of an international application; (c) before the mailing date
	of a first Office Action on the merits; or (d) before the mailing of a first Office Action
- '	after the filing of a request for continued examination under 37 CFR 1.114.

In re Appln. of Mishra et al. Application No. 09/820,371

	after (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes <i>one</i> of:
•	the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
	or  the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
	after the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
	after the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and within thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
	NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.
Copie	s of the References
	Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
	A copy of the foreign search report is enclosed herewith.
	The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the

U.S. APPL	ICATIONS	Status (check one)					
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED			
1. 09/376,487	August 18, 1999		X				
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### Statement under 37 CFR 1.97(e) The undersigned hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement. The undersigned hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement. Statement under 37 CFR 1.704(d) The undersigned hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement. **Fees** No fee is owed by the applicant(s). The IDS Fee of \$180 under 37 CFR 1.17(p) is enclosed herewith. Method of Payment of Fees Attached is a check in the amount of \$ Charge Deposit Account No. 12-1216 in the amount of \$180.00. (A duplicate copy of this communication is enclosed for that purpose.) Authorization to Charge Additional Fees

If any additional fees are owed in connection with this communication, please charge  $\boxtimes$ Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

In re Appln. of Mishra et al. Application No. 09/820,371

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Respectfully submitted,

Leah Robinson, Reg. No. 44,990 LEYDIG, VOIT & MAYER

700 Thirteenth Street, N.W., Suite 300

Washington, DC 20005-3960 (202) 737-6770 (telephone) (202) 737-6776 (facsimile)

Date: \_\_\_ LOR:ves

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		6,028,108	2/2000	George					
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INFORMATION DISCLOSURE CITATION

Sheet

### INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

	Complete if Known	
Application Number	9/376,487	
Filing Date	August 18, 1999	
First Named Inventor	MISHRA	
Group Art Unit	1617	*
Examiner Name	E. Webman	
Attorney Docket Number	402090	

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Examiner Initials	Doc. No.	Application or Patent Number	Kind Code	Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate		
	1	4,056,635		Glen et al.	11/1/1977	- FF SF.L.S		
	2	4,280,996		Okamoto et al.	7/28/1981			
	3	4,309,421		Ghyczy et al.	1/5/1982			
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	18	DE	29 38 807	1.	Green Cross Corp.	11/13/1980		X+
	19	DE	3421 468		Rentschler Arzenimittel	12/19/1985	75 V	X+
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A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

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### **INFORMATION DISCLOSURE** STATEMENT BY APPLICANT

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	Complete if Known	
Application Number	9/376,487	
Filing Date	August 18, 1999	
First Named Inventor	MISHRA	
Group Art Unit	1617	
Examiner Name	E. Webman	
Attorney Docket Number	402090	

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	39	FR	2 265 357		ICI Ltd.	10/24/1975		X+
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	62	PCT	WO 00/24376		Abbott Labs.	5/4/2000		
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Examiner Signature		Date Considered	

A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

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### INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	09/376,487
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First Named Inventor	MISHRA
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Examiner Name	E. Webman
Attorney Docket Number	402090/SKYEPHARMA

Examiner		include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item	Tran	slation
Initials	Doc. No.	(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Yes	No**
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<sup>\*</sup> A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

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Substitute for for	form 1449A/B/PTO			Application Number	09/376,487
INFORMATION DISCLOSURE			COSURE	Filing Date	August 18, 1999
STATEMENT BY APPLICANT				First Named Inventor	MISHRA
SIA	TEMENT DI	Ar	PLICANI	Group Art Unit	1617
	(Use as many sheets	s as ne	cessary)	Examiner Name	E. Webman
Sheet	2	of	3	Attorney Docket Number	402090/SKYEPHARMA

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Initials	Doc. No.	(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Yes	No*+
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### INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet	3	of	3

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Application Number	09/376,487					
Filing Date	August 18, 1999					
First Named Inventor	MISHRA					
Group Art Unit	1617					
Examiner Name	E. Webman					
Attorney Docket Number	402090/SKYEPHARMA					

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Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Tran Yes	slation No**
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Signature	Considered	

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### **INFORMATION DISCLOSURE** STATEMENT BY APPLICANT

(Use as many sheets as necessary) of

	Complete if Known
Application Number	09/376,487
Filing Date	August 18, 1999
First Named Inventor	MISHRA
Group Art Unit	1617
Examiner Name	E. Webman
Attorney Docket Number	402090/SKYEPHARMA

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Application Number	09/376,487					
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First Named Inventor	MISHRA					
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Examiner Name	E. Webman					
Attorney Docket Number	402090/SKYEPHARMA					

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Examiner Initials	Doc. No.	Application or Patent Number	Kind Code	Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
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### INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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	Complete if Known
Application Number	09/376,487
Filing Date	8/18/99
First Named Inventor	Awadhesh K. Mishra
Group Art Unit	1617
Examiner Name	E. Webman
Attorney Docket Number	402090/SKYEPHARMA

····	1 4	U.S. Patent Docur		J.S. PATENT DOCUMENTS		
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Application Number	09/376,487	 . •
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First Named Inventor	Awadhesh K. Mishra	
Group Art Unit	1617	
Examiner Name	E. Webman	
Attorney Docket Number	402090/SKYEPHARMA	11

		U.S. Patent Docur	nent			
Examiner Initials	Doc. No.	Application or Patent Number	Kind Code	Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
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Examiner Signature	Date Considered	

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*	Complete if Known
Application Number	09/376,487
Filing Date	8/18/99
First Named Inventor	Awadhesh K. Mishra
Group Art Unit	1617
Examiner Name	E. Webman
Attorney Docket Number	402090/SKYEPHARMA

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Group Art Unit	1617	·
Examiner Name	E. Webman	` .
Attorney Docket Number	402090/SKYEPHARMA	

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Group Art Unit	1617
Examiner Name	E. Webman
Attorney Docket Number	402090/SKYEPHARMA

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### **INFORMATION DISCLOSURE** STATEMENT BY APPLICANT

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	Complete if Known
Application Number	09/376,487
Filing Date	8/18/99
First Named Inventor	Awadhesh K. Mishra
Group Art Unit	1617
Examiner Name	E. Webman
Attorney Docket Number	402090/SKYEPHARMA

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Examiner Name	E. Webman		
Attorney Docket Number	402090/SKYEPHARMA		

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